

**UNITED STATES DISTRICT COURT
DISTRICT OF NEVADA**

GREGORY D. BARREN, Sr.,

Plaintiff,

vs.

OFFICER C. COLOMA, P#2106, an individual;
and OFFICER D. BROOKS, P# 1875,
an individual,

Defendants.

Case No. 2:11 cv-00653-KJD-GWF

ORDER

Motion for Reconsideration (#59)

This matter comes before the Court on Plaintiff's Motion for Reconsideration of Discovery Responses (#59), filed on July 19, 2012 and Defendants' Response to Plaintiff's Motion for Reconsideration (#63), filed on August 6, 2012. On July 17, 2012, the Court entered an Order (#58) denying Plaintiff's Motion to Compel Discovery Responses, finding that his requests were untimely and procedurally improper. Plaintiff now brings this Motion for Reconsideration (#59), asking the Court to reconsider its previous order based on the fundamental fairness doctrine. Plaintiff argues that his previous requests were timely. Plaintiff further points out that he is representing himself in this matter and therefore should be held to a less stringent standard.

A district court "possesses the inherent procedural power to reconsider, rescind, or modify an interlocutory order for cause seen by it to be sufficient" so long as it has jurisdiction. *City of Los Angeles, Harbor Div. v. Santa Monica Baykeeper*, 254 F.3d 882, 885 (9th Cir. 2001).

Reconsideration is appropriate if the court "(1) is presented with newly discovered evidence, (2) committed clear error or the initial decision was manifestly unjust, or (3) if there is an intervening change in controlling law." *United States Aviation Underwriters v. Wesair, LLC*, 2010 WL

1 1462707, *2 (D. Nev. 2010)(citing *Sch. Dist. No. 1J, Multnomah County, Or. v. ACandS, Inc.*, 5
2 F.3d 1255, 1263 (9th Cir. 1993)). “A motion for reconsideration is not an avenue to re-litigate the
3 same issues and arguments upon which the court already has ruled.” *In re AgriBioTech, Inc.*, 319
4 B.R. 207, 209 (D. Nev. 2004). Here, Plaintiff has not offered any new evidence, convinced the
5 Court its previous ruling was in clear error or offered any intervening change in law that would
6 cause the Court to revisit its previous ruling. Instead, Plaintiff requests the Court reconsider on the
7 grounds of fundamental fairness and attempts to re-argue the issues the Court has already ruled
8 upon. The Court therefore finds no basis to reconsider its previous motion and denies Plaintiff’s
9 request. Accordingly,

10 **IT IS HEREBY ORDERED** that Plaintiff’s Motion for Reconsideration of Discovery
11 Responses (#59) is **denied**.

12 DATED this 21st day of August, 2012.

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15 GEORGE FOLEY, JR.
16 United States Magistrate Judge
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